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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,706	06/25/2003	Timothy J. Moulsley	B34-358A	3387

24737 7590 08/06/2008

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER	
NGUYEN, TU X	

ART UNIT	PAPER NUMBER
2618	

MAIL DATE	DELIVERY MODE
08/06/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/603,706	MOULSLEY ET AL.	
	Examiner	Art Unit	
	TU X. NGUYEN	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 May 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *6/25/03* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-14 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minami et al. (US Patent 6587510) in view of Lomp (US Patent 5,574,747)

Regarding claim 1, Minami et al. disclose a radio communication system comprising a primary station and a plurality of secondary stations, the system having a communication channel between the primary station and a secondary station, one of the primary and secondary stations having means for transmitting power control commands to the other station to instruct it to adjust its output transmission power in steps (see col.2 lines 1-10), wherein the receiving station has combining means for processing a plurality of power control commands to determine whether to adjust its output power (see col.11 lines 33-54).

Minami et al. fail to disclose a function of a requested step size included in the power control commands and a minimum step size implemented by the other station.

Lomp discloses a function of a requested step size included in the power control commands and a minimum step size implemented by the other station (see col.20 through col.21 line 39). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Minami et al. with the above teaching of Lomp in order to provide the system employs a high update rate relative to the dynamics of the channel (as suggested by Lomp, col.21 lines 40-43).

Regarding claim 2, Minami et al. disclose a primary station for use in a radio communication system having a communication channel between the primary station and a secondary station, the primary station having means for adjusting its output transmission power in steps in response to power control commands transmitted by the secondary station (see col.2 lines 1-10), wherein combining means are provided for processing a plurality of power control commands to determine whether to adjust its output power (see col.11 lines 33-54).

Minami et al. fail to disclose a function of a requested step size included in the power control commands and a minimum step size implemented by the other station.

Lomp discloses a function of a requested step size included in the power control commands and a minimum step size implemented by the other station (see col.20 through col.21 line 39). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Minami et al. with the above teaching of

Lomp in order to provide the system employs a high update rate relative to the dynamics of the channel (as suggested by Lomp, col.21 lines 40-43).

Regarding claim 3, Minami et al. disclose a secondary station for use in a radio communication system having a communication channel between the secondary station and a primary station, the secondary station having means for adjusting its transmission power in steps in response to power control commands transmitted by the primary station (see col.2 lines 1-10), wherein combining means are provided for processing a plurality of power control commands to determine whether to adjust its output power (see col.11 lines 33-54).

Minami et al. fail to disclose a function of a requested step size included in the power control commands and a minimum step size implemented by the other station.

Lomp discloses a function of a requested step size included in the power control commands and a minimum step size implemented by the other station (see col.20 through col.21 line 39). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Minami et al. with the above teaching of Lomp in order to provide the system employs a high update rate relative to the dynamics of the channel (as suggested by Lomp, col.21 lines 40-43).

Regarding claims 4 and 10, the modified Minami et al. disclose a characterised in that means are provided for selecting one of a plurality of available power control step sizes in response to commands issued by the primary station, and in that the combining means are operative if the required step size is less than its minimum available step size (see Lomp, col.21 lines 18-39).

Regarding claims 5 and 11, the modified Minami et al. disclose characterised in that means are provided for processing a group of power control commands together, the size of the group being determined by the minimum available step size and the required step size (see Lomp, col.22 lines 46-59).

Regarding claims 6 and 12, the modified Minami et al. disclose characterised in that the size of the group is equal to the ratio between the minimum available step size and the required step size (see Lomp, col.22 lines 46-59).

Regarding claims 7 and 13, the modified Minami et al. disclose characterised in that the combining means are operative in response to commands issued by the primary station to process a group of power control commands together and in that the size of the group is predetermined (see Lomp, col.22 lines 46-59).

Regarding claims 8 and 14, Minami et al. disclose characterised in that the power control step size is predetermined (see Lomp, col.22 lines 46-59).

Regarding claim 9, Minami et al. disclose a method of operating a radio communication system comprising a primary station and a plurality of secondary stations, the system having a communication channel between the primary station and a secondary station, the method comprising the acts of: transmitting power control commands by a transmitting station to a receiving station to instruct it to adjust its power in steps (see col.2 lines 1-10), and processing by the receiving station a plurality of power control commands to determine whether to adjust its output transmission power (see col.11 lines 33-54).

Minami et al. fail to disclose a function of a requested step size included in the power control commands and a minimum step size implemented by the other station.

Lomp discloses a function of a requested step size included in the power control commands and a minimum step size implemented by the other station (see col.20 through col.21 line 39). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Minami et al. with the above teaching of Lomp in order to provide the system employs a high update rate relative to the dynamics of the channel (as suggested by Lomp, col.21 lines 40-43).

Regarding claims 17-20, the modified Minami et al. disclose the combining means processes a group of commands having a size being equal to a ratio between the minimum step size and the requested step size (see Lomp, col.21 lines 50-64).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minami et al. (US Patent 6587510) in view of Lomp further in view of Jensen et al. (US Patent 5671219).

Regarding claims 15-16, the modified Minami et al. fails to disclose characterised by transmissions on the channel taking place in frames and having predetermined positions with respect to the start of each frame.

Jensen et al. disclose characterised by transmissions on the channel taking place in frames and having predetermined positions with respect to the start of each frame (see col.20 lines 26-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of the modified Minami et al. with the above teaching of Jensen et al. in order to provide power control command is transmitted at the beginning of each frame in time division multiplex techniques.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed Tu Nguyen whose telephone number is 571-272-7883.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tu X Nguyen/
Primary Examiner, Art Unit 2618
7/30/08